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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 11 (c) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
FREEDOM OF EXPRESSION

Written statement* submitted by the International League for the Rights and Liberation of Peoples (LIDLIP), a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Under this agenda item, the International League for the Rights and Liberation of Peoples



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ENG

Under this agenda item, the International League for the Rights and Liberation of Peoples (LIDLIP) would like to bring before the Commission on Human Rights the case of the Pontians, living in the historic region of Pontos, from Sinope (Sinop) to Trapezous (Trabzon) now in Turkey. Our concern is about the restrictions to their freedom of expression showing their cultural identity formed over thousands of years.

The present communication refers to the part of the Pontian people who remained in their historic territories, and elsewhere in Turkey

Historical Background

The presence of the Pontians is traced back in the 8th century B.C., before the emergence of the Pontian Kingdom in the North Coast of Asia Minor. Indeed, Pontian culture roots are to be found in their history, notably during the classical era (with philosophers and historians such as Diogenes, Strabon, etc.) of the Hellenistic period and then in the Byzantine epoch.

After the Ottoman conquest in the middle of the 15th century their living conditions, their unity and communal life as a Christian people, was deeply affected by the system of the Ottoman power and administration, based on the distinction between Muslims and non-Muslims. In the 19th century, due to the Ottoman-Russian wars, the Pontians were subjected to several exoduses. The systematic elimination of the Christian Pontians through mass murder and ethnic cleansing took place in the first quarter of the 20th century and especially between 1916 and 1923, as part of a longstanding policy of thorough turkization of the whole Asia Minor.

The Pontians who could remain in Pontos had become Muslims or were compelled to islamization, thus escaping destruction and dispersion. It is known that the population exchange according to the Lausanne Treaty (1923) between Greece and Turkey was defined on the basis of religion and not on the basis of the ethnic identity of the populations of both sides. The Pontians who took refuge in the Caucasus and in Russia were subjected to further exoduses within the Soviet Union. Now, apart from Greece, a sizable Pontian diaspora is found in USA, Europe, Australia and elsewhere.

An ancient culture in jeopardy of survival

Even though the islamized Pontians of Pontos were for decades deprived of the right to communicate with the Pontians of Greece and of the countries of the ex-Soviet Union, and even though they suffered, for decades systematic policies of disarticulation of their communities, they continue to insist on their particular Pontian identity. "We are Pontians", they declare still today. Especially in the last decades this sense of a particular identity is increasing and is being coupled with actions of intellectual and cultural enhancing. However, even careful attempts of the new Pontian intellectuals to express verbally or in writing the history, the cultural identity of this people, are facing harsh measures by the Turkish authorities. During the last years the lives of the Pontian intellectuals who dare to express their views are reliably reported to be threatened, some of them with death. This repression is accompanied by pseudo-scientific attempts to distort the three thousand year-old rich history of this people and of this area. Those attempts are made by Turkish propagandists and by so-called professors. The official discourse claims that this historic people is of Turkish descent. A typical example of this conduct of the authorities is a television series performed some time ago in Trapezous, in which a retired officer of the Turkish army and a would-be professor hammered on the one hand, the Turkish descent of the Pontians and on the other, uttered threats towards the Pontians who claim the right to keep contacts with Pontians in

Greece. Moreover, Pontian travelers from Greece during their visits in Pontos, are subjected to strict control and surveillance by the Turkish authorities.

Repressive measures endanger language

It appears that a sizeable part of the islamized Pontians, especially the communities of Trapezous, Tonia, Ophe, Sourmena (Surmene), Matsouka (Macka) as well as those of the peripheral municipalities of Constantinople (Istanbul) have preserved intact their Pontian language. Thus, in those areas, the language which is known to be the closest to the ancient Greek is kept alive. In fact, this language is today illegal in Pontos and in Turkey. Of course there is no school where the Pontians could learn, cultivate and develop their language. The existing schools are Turkish. The young Pontian boys and girls - especially those from the inland - due to the fact that their families cling to their own language and do not know Turkish, have their first contact with this language in the Turkish schools and are forced to learn it with harsh educational methods. It is reported that in the elementary schools there exists a network of young student-informers in charge of denouncing to their teachers the Pontian pupils speaking between themselves their own language, who are then taken up by their teachers or even the police with brutal methods of persuasion. In the high schools, the task of terrorization is apparently devoted to racist and fascist groups, inter alia the "Grey Wolves". Those educational conditions exclude the Pontian students from university and higher studies. Students of Pontian descent who try to express their Pontian conscience and culture through periodicals run a risk of being sentenced to jail by the Turkish authorities.

The Turkish state through policies stemming from its constitutional and legal framework together with its authoritarian structures, eliminates the words Pontos and Pontians, and represses individual and collective attempts of peaceful expression of the thought and conscience of the Pontian identity.

Expression of the Pontian culture must be saved

Describing this situation, the International League for the Rights and Liberation of Peoples (LIDLIP) would like to insist on the lack of freedom of expression of a particular people, the Pontians in present-day Turkey. This situation ought to be known by the international community. Further, interventions towards its alleviation is a step for safeguarding a living culture which has enriched mankind.



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COMMISSION ON HUMAN RIGHTS
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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN
DOMINATION OR FOREIGN OCCUPATION.

Written statement* submitted by the International League for the Rights and Liberation
of Peoples (LIDLIP), a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

The constitutional recognition of indigenous rights and culture. The struggle for autonomy in Mexico.

The International League for the Rights and Liberation of Peoples (LIDLIP) has for years been demanding the right to self-determination for indigenous peoples. As subjects of international law, they must be entitled to dispose freely of their own resources, wealth, culture and tradition. Numerous international covenants require the recognition of this right and urge states to fulfill their obligations in this regard. LIDLIP is, inter alia, concerned with the specific situation of indigenous peoples in Mexico.

1. In Mexico, indigenous peoples are struggling for their autonomy and self-determination. The San Andres Accords represent a high point in this struggle.
2. With the signing of the San Andres Accords (16 February 1996) by representatives of the Executive Branch, by a commission of the Legislative Branch that included congressional representatives, by senators from all of the political parties in Mexico, and by representatives of the Zapatista Army of National Liberation (EZLN), the possibility emerged of bringing to a close the conflict between, on the one hand, 56 indigenous peoples and, on the other, Mexican society and government. Through a social covenant, these Accords propose to create a new relationship between the Mexican state and its indigenous peoples.
3. The signing of these accords awakened the hope for a just and dignified solution to the conflict. It should not be forgotten that the accords were the result of a nation-wide debate in which the majority of Mexico's indigenous peoples, specialists and a large part of civil society participated. The EZLN opened the debate and presented at the negotiating table the conclusions reached by consensus.

San Andres Accords

4. On 29 November 1996, the Commission of Resolution and Pacification of the Congress of the Union announced, in conformity with its legal provisions, an initiative (COCOPA Law) to reform the constitution of the republic in order to guarantee the implementation of the San Andres Accords.
5. The so-called COCOPA Law, drafted by a commission of the Mexican Parliament in which all the congressional parties were represented, is the enabling legislation for the implementation of the Accords. It was approved by the EZLN as well as the indigenous movement, which regarded it as a minimal legal provision for implementation. It was viewed otherwise by the federal government, presided over by Mr. Ernesto Zedillo Ponce de Leon, who introduced a series of observations that violated the spirit of the accords.
6. As a consequence of the refusal of the Mexican government to implement the accords, the Zapatista National Liberation Army (EZLN) suspended the talks.
7. With the accession to power of the new government of Mr. Vicente Fox, the government agreed to present the proposed COCOPA Law for approval to the congress and senate.
8. On 25 April 2001, the Senate, by an unanimous vote of all the senators present, approved the reform to the Constitution regarding the rights of indigenous peoples.

9. The legislative branch substantially modified the initial proposal, approving a constitutional reform that does not satisfy the proposals of the indigenous peoples and was soundly rejected by the EZLN and the CNI (Indigenous National Congress). The CNI, the EZLN and a wide spectrum of civil society considered that the reform, which they rejected, contradicted the San Andres Accords and the spirit of the COCOPA law, betraying several fundamental issues, inter alia: autonomy and self-determination; indigenous peoples as subjects of public law; land and territories; the use and enjoyment of natural resources; election of municipal authorities; the right to regional association. The immediate consequence was that the Zapatista National Liberation Army broke off the negotiations.

10. Since then and until today nearly 300 constitutional complaints have been filed against this law, arguing that it fails to observe Convention 169 of the OIT, that the law does not recognize indigenous peoples as legal subjects, that it prevents, among other things, association among different communities and that it does not guarantee them the use of their natural resources.

11. After the electoral victory of Vicente Fox in the 2000 presidential elections, the Zapatistas demonstrated their will to return to the negotiating table, provided the new government met three tests of goodwill: 1. approval of the COCOPA law; 2. liberation of the Zapatista prisoners; 3. the dismantling of seven of the 259 established military installations.

12. The necessity on the part of the federal government and the local authorities to offer something positive in response to the demands of the EZLN to renew the talks opened the doors of the prisons for nearly one hundred prisoners subjected irregular sentences or trials, all of whom shared a common denominator: they were part of the social base or sympathized with the EZLN. But with the breaking off of contact between the government and the EZLN, this process was stopped, for the various political authorities abandoned it, and nine of these prisoners are still in prison.

Militarization

13. While the patrols and reserves of the Mexican army in the indigenous communities of Chiapas have been gradually increasing, and it has become customary for soldiers to improvise check points on the outskirts of towns in order to harrass and intimidate indigenous people, submitting them to interrogations, according to reports of several human rights organizations.

14. In spite of the official propaganda disseminated at both the national and the international level, the 252 army positions denounced at the time are still functioning, and the number of troops is the same as before 1 December 2000. The only difference is that their deployment and movements have become discrete following the request by the EZLN for their withdrawal from seven positions.

15. Non-governmental Organizations (ONG) have registered at least 104 military actions in indigenous communities of 16 municipalities since the government of Vicente Fox has come to power. They claim that the military interventions became more acute after the approval by the Congress of the Union of the reform related to indigenous issues.

Paramilitaries

16. The Mexican Academy of Human Rights (Academia Mexicana de Derechos Humanos) has conducted an investigation that arrived at the figure of 15 armed civil groups, ten of which are fully identified as paramilitaries currently operating in Chiapas.

17. According to the representative of the Council of Human Rights of the Northern region, paramilitary groups continue to be a permanent danger for social organizations and communities struggling for the defence of their rights, and in particular for their self-determination, since the paramilitaries have never been really brought into line by the federal and state authorities, much less disbanded or punished.

18. Paramilitary groups such as "Peace and Justice" (whose leaders have been inexplicably liberated) continue to generate multiple conflicts, closing paths, practicing policies of terror, killing and constant aggression against Zapatista communities. They are supported, as usual, by the former municipal structures and the communities led by the PRI and enjoy the complicity, by omission and commission, of the army and the security units of various governmental entities.

Free Access to Justice

19. In many cases, the indigenous are submitted to judicial trials for accusations that have their origin in social conflicts and are subject to ministerial investigations in which evidence and false testimonies are fabricated in order to legitimize the trials, which generally culminate in an unjust sentence. During criminal trials the human rights of the indigenous are not respected nor is their indigenous condition, and even less are they considered as subjects of public law. They are subjected to criminal trials without understanding the accusations against them, without understanding the legal mechanisms in force, and they are sentenced to severe prison terms without having had an adequate defense.

20. Not only has the respect for human rights in Mexico not changed in the first seven months of the government of Vicente Fox, but there are also threats to social, economic and cultural guarantees, as reflected in the 300 recommendations by international organisms that still have not been addressed by the current government.

21. Attacking the causes that created the conflict in Chiapas is the best solution for setting a precedent that recognizes the original peoples of Mexico as part of the nation and takes into account their situation of misery and abandon and creates the necessary instruments to avoid the exploitation they have always suffered.

22. Given what has been presented above, the International League for the Rights and Liberation of Peoples (LIDLIP) asks the Mexican government to:

- 1.) implement the Accords signed in San Andres (COCOPA law), as a first sign of its intention to allow indigenous peoples of Mexico to exercise their self-determination;
- 2.) withdraw the army to the barracks;
- 3.) disband the paramilitary groups;
- 4.) assure free access to justice;
- 5.) promote the struggle against impunity, through concrete actions that are not just symbolic;
- 6.) liberate political prisoners; and
- 7.) facilitate the return of all displaced persons, eliminating the causes behind their displacement

and compensating them for damages suffered.

23. The International League for the Rights and Liberation of Peoples (LIDLIP) asks the Commission on Human Rights to appoint a Special Rapporteur for Mexico.



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Item 14 (a) of the provisional agenda

**SPECIFIC GROUPS AND INDIVIDUALS:
MIGRANT WORKERS**

Written statement* submitted by the International Catholic Migration Commission
(ICMC), a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).



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ENG

1. The International Catholic Migration Commission was created in 1951 to serve the needs of refugees and migrants. It has also developed work with internally displaced persons. In fulfilling its mandate, ICMC seeks to utilize, raise awareness about and strengthen relevant international human rights instruments and mechanisms. This written statement examines and makes recommendations for some of the tools monitored and/or developed by the United Nations Commission on Human Rights in the field of migration.

2. The international community has on numerous occasions highlighted the situation of migrant workers around the world and the need for respect for their rights since the 57th session of the Commission on human rights. Governments, many of them members or observers of this Commission widely raised the issue of migration including the rights of migrants at the World Conference against Racism (WCAR)¹, during the Global Consultations on International Protection organized by the United Nations High Commissioner for Refugees and on the occasion of the 50th Anniversary of the Council of the International Organisation for Migration. The increase in interregional and intra-regional migration as a result of globalization was recognized by the WCAR. More than ever, the rights enshrined in international human rights instruments, which apply to non-nationals, and which have been consolidated in the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families are under threat and need to be protected.

3. The Migrant Workers Convention now counts 16 States Parties and 12 signatories. Indications are that other countries are launching ratification processes. The Convention provides that it shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession. A committee shall then be created for the purpose of reviewing the application of the Convention, consisting initially of 10 experts. The eventual coming into force of the Convention raises a number of issues, which the Commission should reflect upon. These include the setting up a new treaty body, the changing nature of migration issues since the adoption of the 1990 Migrant Workers Convention, the geographical distribution of States Parties and the low representation of host countries, especially from the North.

4. While the international community has in recent years been marking 50th anniversaries in the United Nations and other inter-governmental organisations, it seems the universality so central to the human rights machinery is slow to bear fruit for migrant workers. Western commission member and observer States should come forth and ratify the Convention and avoid sending out a message to the world that migrants are second-class citizens. As the European Union seeks to harmonize its immigration and asylum policies, it is to be hoped that it will not create a two-tier system for privileged "European" people on the one hand and a new generation of rightless persons on the other. It should be remembered that the UN Charter provides for regional arrangements "providing that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations".

5. Pending a more universal ratification of the Convention, the only mechanism available at the international level to protect the rights of migrants is the Special Rapporteur on the Human Rights of Migrants, established by the Commission in 1999. This thematic mandate is key to raising visibility for the human rights of migrants, particularly in situations of vulnerability, including in instances of trafficking. Within the framework of increased collaboration amongst UN agencies

1 See ICMC report on the WCAR for further reference, www.icmc.net

and relevant other organisations, ICMC encourages the Special Rapporteur to keep monitoring and feeding the follow up of the UNHCR Global Consultations information and comments on the Migration and Refugee interface. ICMC welcomed the Special Rapporteur's participation in IOM policy dialogue on migration. ICMC strongly recommends the mandate's continued input into any other relevant regional or international initiatives around the setting up of an international migration framework in order to inject a human rights dimension into relevant processes.

6. In view of the broad array of violations of the human rights of migrants, other relevant thematic mechanisms, such as the Working Group on Arbitrary Detention and the Special Rapporteur on Torture should keep monitoring the situation of migrant workers.

7. One unchallenged success of the WCAR is the broad sections devoted to migrants and refugees. Recommendations to governments, inter-governmental organisations and NGOs cover a wide spectrum of protection issues in relation to racism, xenophobia and non-discrimination. The need for States to protect the rights of migrants, regardless of their immigration status is recognized. The WCAR urges States to develop and implement preventive measures including reviewing and revising, where necessary, their immigration laws, organizing specialized training courses for administrators, police officers, immigration officials and other interested groups, promoting the recognition of diplomas and promoting the enjoyment by migrants of rights to work, access to social security, health, education etc.

8. Central to ICMC's mandate are the needs of the most marginalized and extremely vulnerable individuals including undocumented migrants and trafficked persons, in particular women and children. In many countries where their workforce is much sought after, large groups of long-established migrants in irregular situations are systematically exploited and forced into leading underground lives in undignified conditions and utter lack of security. Amongst those are to be found women and children reduced in virtual slavery, bonded-labour and sexual exploitation.

9. A marked phenomena at the end of the old millennium and the start of the new, has been a substantial worldwide increase in international migration of women in search of work. This trend has been linked to many factors including economic down-turns and reform programs that reduce opportunity for women to work in their own countries in public sectors such as health care, or those policies which reduce expenditure and opportunities in education for girls and young women. Such migration puts women and children at risk of a wide range of human rights abuses, but in particular many are forced to endure physical or sexual violence; for example, it is not uncommon for maids to be sexually harassed by their employers, or a young woman from economically brittle states to be tricked into working as a prostitutes in richer countries. It is remarkably difficult for women and children to then escape from these situations. Typically migrant women (both those legally and illegally resident in a country) are lacking in skills and education, and have little ability to understand or fight for their rights.

10. In most countries migrant victims of sexual and physical abuse have little legal redress, and are more commonly treated as criminals whereas their exploiters face little if any possibility of prosecution. In some cases migrant women who have fought back against the violence of their employers have received death penalties or long prison sentences. In other cases child migrants who have complained to authorities about abuse have suffered additional violence at the hands of the authorities. No civilisation can allow that human beings should be made to live in sub-human conditions.

11. ICMC Recommends that the Commission on Human Rights:

- Request the Office of the High Commissioner for Human Rights to organize a small preparatory technical meeting to look into implications of the coming into force of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Renew the mandate of the Special Rapporteur on the Human Rights of Migrants for another three years;
- Request the Special Rapporteur to submit an interim report to the General Assembly;
- Encourage the Working Group on Arbitrary Detention to look at growing instances of systematic of detention of migrants around the world;
- Encourages the Special Rapporteur on Torture to look at the treatment of persons during forcible returns including so-called "assisted" returns of irregular migrants and rejected asylum-seekers;
- Draw attention of its members to relevant WCAR Declaration and Programme of Action provisions on migrants and ask them to report on progress or obstacles encountered in implementing those provisions to the HCHR anti-discrimination Unit;
- Encourage its members to cooperate with the High Commissioner for Human Rights in fulfilling paragraph 196 of the WCAR Programme of Action, requesting the Office "to pay special attention to violations of the human rights of victims of racism, racial discrimination, xenophobia and related intolerance, in particular migrants, including migrant workers, to promote international cooperation in combating xenophobia and, to this end, to develop programmes which can be implemented in countries on the basis of appropriate cooperation agreements;"
- Encourage States to consider launching regularisation processes, with particular reference to cases where the national labour market has demonstrated the need for foreign workers and its ability to absorb them over the years;
- Urge States to enact legislation criminalizing users and exploiters of persons (particularly increased prosecution of the users of trafficked women and child prostitutes including across national boundaries, standardisation of international legal instruments to make it possible and usual, for example, to prosecute nationals for related crimes committed in foreign countries);
- Recommend increased investigation and decisive action by UN agencies, peace keeping operations and international non-governmental organizations against their own staff members who engage in sexual and labour exploitation of migrants, including trafficked persons, especially women and children;
- Recommends that States, UN Agencies, inter-governmental organisations and international financial institutions allocate increased funding for economic programs that target job creation schemes for young women, single mothers and divorcees. And for services for women and children victims of domestic, physical and sexual violence.



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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND
THE GENDER PERSPECTIVE:
VIOLENCE AGAINST WOMEN

RIGHTS OF THE CHILD

SPECIFIC GROUPS AND INDIVIDUALS:
OTHER VULNERABLE GROUPS AND INDIVIDUALS

Written statement* submitted by All Russian Society of the Disabled, a non-
governmental organizations in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

It is known, that there are 10% of persons with disabilities in the world. The main part of them is women and children with disabilities. That is why it is important while discussing the human rights do not loose from the view the problems of children with disabilities (rights for medical assistance, social protection, prevention of diseases, education, etc.) and women with disabilities (right to employment, discrimination of violence, etc.). These rights, as a rule, are not always specific, but their violation influences these categories of population more, than able bodied.

The All-Russian Society of the Disabled suggests including the problems of the observance of the rights of theses vulnerable categories of population in the analysis (reports) of the country-members as one of the obligatory terms.



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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN
AND THE GENDER PERSPECTIVE**

RIGHTS OF THE CHILD

Written statement* submitted by the Azerbaijan Women & Development Center, a non-
governmental organizations in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
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We call for attention of the participants of the UN Commission on Human Rights, 58th Session on behalf of the Alliance of Woman, Youth and Children NGOs to the urgency and importance of Prevention and Elimination of any kind of Terror, Violence, Sufferings and establishment of peaceful environment for sustainable development in Caucasus region and all over the world.

It is time to stop the indifference to the long-term policies based on aggression, occupation, terror and forced withdrawal of the civil population from the neighboring territories of the governments such as Armenia. In Azerbaijan it caused forced displacement of about 1 million people from the native lands and homes, accompanied by the continued violation of the basic Human Rights of civil population – Women, Children, Aged, Disabled persons, Refugees and IDPs, including the right to live in dignity, rights to housing, property, education, health care, and protection of cultural values and identities.

Ignoring the international laws and regulations including UNHCHR resolution on “Impunity of Perpetrators of Violence” provokes the new acts of terror and violence.

Elimination of Armenian aggression against Azerbaijan curtailed by so-called Nagorno-Karabakh conflict, resolution of the conflict situation in the Caucasus in the spirit of the Peace and Justice, respect of Human Rights of all nationalities & ethnicities would result in stabilization of the situation in the Caucasus and European region.

Hundreds of thousands of Forcibly Displaced Persons will win a chance to restore their families and basic Human Rights.

On the eve of UN GASS on Children in May 2002 we also appeal to all Heads of Governments, religious communities, people of different nationalities and faith to do their best for growing of the next generations in Peace, security and tolerance.

Let's say YES for Children and create the world fit for children.
